

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION

IN RE:

OTIS JUNIOR CROSBY, SR.

ANNIE SUE CROSBY

Debtor(s)

CASE NO. 10-81081

Chapter 13

MOTION FOR RELIEF FROM STAY OR  
ADEQUATE PROTECTION

Systems & Services Technologies, Inc. ("Movant"), moves the Court to enter an order granting it relief from stay, or alternatively, adequate protection in the above captioned case and as grounds therefore respectfully shows:

1. This Court has jurisdiction of this contested matter pursuant to 28 U.S.C. §§1334 and 157(b).
2. On or about June 21, 2010 the Debtor(s) (hereafter, the "Debtor"), filed a petition seeking relief under Chapter 13 of the Bankruptcy Code.
3. On or about October 3, 2006, the Debtor purchased a 2003 Ford Taurus, VIN: 1FAHP59S23A131807 (hereafter, the "Collateral") pursuant to the terms of an installment sales contract of even date (hereafter, the "Contract"). Movant is the current owner and holder of the Contract. A true and correct copy of the Contract is attached hereto as Exhibit A.
4. The Contract is secured by perfected security interest in the Collateral. A copy of the Certificate(s) of Title or UCC-1 Financing Statement evidencing the lien(s) is attached hereto as Exhibit B.
5. The Debtor is in default under the terms of the Chapter 13 Plan for failure to make payments to the Trustee when due.
6. The current balance owed on Movant's secured claim including accrued interest is \$5,422.78 and Movant has an unsecured claim of \$8,154.64.
7. The current NADA value of comparable item(s) is not greater than \$4,250.00 retail and the Collateral is depreciating in value. See Exhibit C for NADA value.
8. Movant does not have adequate protection of its security interest in the Collateral and there is good cause to grant Movant relief from the automatic stay.
9. Because the Collateral can be easily moved and easily damaged, Movant also requests that any order granting the relief requested be immediately effective.
10. Movant hereby consents to continuation of the automatic stay beyond the period of thirty (30) days from the date of this Motion in the event the Court schedules the hearing beyond that thirty (30) day period.

WHEREFORE, Movant moves the Court for the following relief:

1. For an Order granting Movant relief from the automatic stay provision of 11 U.S.C. §362(d), for cause under 11 U.S.C. §362(d)(1), so that it can foreclose its security interest in the Collateral in accordance with the loan documents and applicable state law.
2. That the Debtor be ordered to immediately release the Collateral to Movant or advise it of the location of the Collateral and the name, address, and telephone number of any third party who has possession.
3. That Movant be allowed a general unsecured claim for any outstanding deficiency balance remaining after the sale or subsequent disposition of the Collateral.
4. That in the alternative, Movant be afforded adequate protection of its interest in the Collateral, including proof of continuing insurance coverage on the Collateral naming Movant as loss payee.
5. That, to the extent allowed by 11 U.S.C. §506(b), Movant be allowed its reasonable attorneys' fees and costs incurred in connection with this Motion.
6. That Movant have such other relief as the Court deems just and proper.

DATED: August 30, 2011

/s/ Christine M. Lamb  
N.C. State Bar No. 19616  
THE LAMB FIRM  
P.O. Box 2188  
Davidson, NC 28036-2188  
(704) 892-3600

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CERTIFICATE OF SERVICE

The undersigned certifies that this day the pleading or paper to which this Certificate is affixed was served upon the person(s) listed below by mailing a copy of the same, properly addressed and postage prepaid via the United States Postal Service.

Otis Junior Crosby, Sr.  
Annie Sue Crosby  
4801 Danube Lane  
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Durham, NC 27704

John T. Orcutt  
6616-203 Six Forks Rd.  
Raleigh, NC 27615

Richard M. Hutson, II, Trustee  
PO BOX 3613  
Durham, NC 27702

DATED: August 30, 2011

/s/ Christine M. Lamb  
N.C. State Bar No. 19616  
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